

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DOUGLAS E. MARTIN,

2006 JUN -8 P 3:59

Plaintiff,

v.

LIBERTY MUTUAL INSURANCE
COMPANY, a corporation,

Defendant.

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* CV No. 2:06cv514 - VPM
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NOTICE OF REMOVAL

Comes now Defendant Liberty Mutual Fire Insurance Company (named in Complaint as Liberty Mutual Insurance Company and Liberty Mutual Life Insurance Company) and hereby gives notice of removal of the above-styled action from the Circuit Court of Lowndes County, Alabama, to the United States District Court for the Middle District of Alabama, Northern Division. As grounds for removal, Defendant avers as follows:

(1) The above entitled action was commenced in the Circuit Court of Lowndes County, Alabama, on May 5, 2006 and is now pending therein. Service of process was perfected on Liberty Mutual Insurance Company on May 16, 2006. Notice of the removal of this case to this Court is timely pursuant to 28 U.S.C. § 1446 (a).

(2) The plaintiff in this case alleges that he has suffered damages by the bad faith action of Defendant for its failure to investigate and/or pay Plaintiff's claim for loss through theft of his motorcycle insured with Liberty Mutual. Plaintiff claims punitive damages in the amount of \$500,000.

(3) The Plaintiff claims breach of contract by Defendant for it's failure to pay Plaintiff for loss by theft of a motorcycle under a policy of insurance contracted for on March 31, 2005, policy No. A02-258-534709-10. Plaintiff seeks compensatory damages in the amount of \$80,000.

(4) The plaintiff seeks compensatory and punitive damages in excess of the jurisdictional limit of the Circuit Court of Lowndes County, Alabama, and the amount in controversy, exclusive of interest and costs, far exceeds \$75,000.

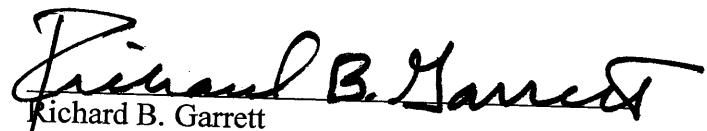
(5) This action is one of a civil nature over which the District Court of the United States has original jurisdiction because of diversity of citizenship and amount in controversy, pursuant to 28 U.S.C. § 1332.

(6) The plaintiff at the commencement of this action, and at this time, was and is a resident citizen of the state of Alabama. The Defendant Liberty Mutual Insurance Company was and is at all times relevant a corporation organized under the laws of the state of Delaware with its principal place of business in the city of Boston, Massachusetts.

(7) Copies of all pleadings filed with the Circuit Court for Lowndes County, Alabama, and served on Defendant are attached hereto and made a part of this petition as if set out in full herein. (See attached Exhibit A.)

(8) Notice of Defendants' removal of the above-styled action has been given to the Clerk of the Circuit Court of Lowndes County, Alabama, and to the Plaintiff as required by 28 U. S. C., Sec. 1446(d). (See Exhibit B attached hereto.)

WHEREFORE, Defendant prays that this Honorable Court will take jurisdiction of this cause and will issue all necessary orders and process in order to remove the action from the Circuit Court of Lowndes County, Alabama to this court.


Richard B. Garrett
Bar Number: (ASB-0782-A29R)

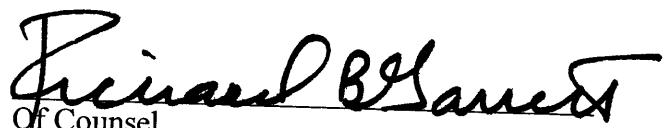
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon:

Dwayne L. Brown, Esquire
P. O. Box 230205
Montgomery, Alabama 36123

by placing same in the United States mail, postage prepaid, this 7th day of June, 2006.


Richard B. Garrett
Of Counsel